

### **Welcome to tonight's City Council meeting!**

The elected officials of the City of Bonners Ferry are appreciative of an involved constituency. Testimony from the public is encouraged concerning issues when addressed under the Public Hearing portion of the agenda. Any individual who wishes may address the council on any issue, whether on the agenda or not, during the Public Comments period. Normal business will preclude public participation during the business portion of the meeting with the discretion left to the Mayor and Council. Special accommodations to see, hear, or participate in the public meeting should be made at City Hall within two days of the public meeting.

### **Vision Statement**

Bonners Ferry, "The Friendliest City", strives to achieve balanced growth, builds on community strengths, respects natural resources, promotes excellence in Government, and values quality of life.

**REVISED**  
**AGENDA**  
**SPECIAL CITY COUNCIL MEETING**  
**Bonners Ferry City Hall**  
**7232 Main Street**  
**267-3105**  
**March 24, 2020**  
**5:30 pm**

1. City – Affirm the Mayoral Proclamation Declaring a State of Emergency (attachment) {action item}
2. City – Consider Adopting Ordinance 591 Creating a New Chapter 6 to Title 4 of the Bonners Ferry City Code, entitled Emergency Powers; setting forth authority, purpose, and intent of emergency powers to address the threat of COVID-19, including the closure of bars, taverns, restaurants and like establishments at 5:00 pm on March 26, 2020 and Have the First Reading by Title Only {action item}
3. City – Suspend the Reading Rules and Adopt Ordinance 591 {action item}
4. City – Consider the Public Health Order Declaration by Mayor Staples {action item}
5. Electric – Workshop Regarding the Moyie Hydro Improvements Bond
6. City – Consider Amending the Interim Employee Leave Policy Relating to the COVID-19 Pandemic (attachment) {action item}
7. Electric – Consider Authorizing the Purchase of a D4 Dozer (attachment) {action item}
8. Water – Consider Authorizing the Mayor to Sign a Contract Addendum with Century West for Construction, Engineering and Inspection Services for the Wilson – Solomon Corridor Project (attachment) {action item}

### **ADJOURNMENT**

“Pursuant to the Governor’s Emergency Declaration regarding COVID-19 and accompanying Proclamation suspending the “in-person” attendance requirement of the Idaho Public Meetings laws, the City will be providing an electronic telecommunications method to allow the public to view the workshop remotely. Public attendance in person at the workshop will not be allowed in order to help prevent the potential spread of COVID-19. More details about this electronic viewing method is forthcoming.”

Late Agenda Items

3-24-20

Special Council Meeting

2. City – Consider Adopting Ordinance 591 Creating a New Chapter 6 to Title 4 of the Bonners Ferry City Code, entitled Emergency Powers; setting forth authority, purpose, and intent of emergency powers to address the threat of COVID-19, including the closure of bars, taverns, restaurants and like establishments at 5:00 pm on March 26, 2020 and Have the First Reading by Title Only {action item}
3. City – Suspend the Reading Rules and Adopt Ordinance 591 {action item}
4. City – Consider the Public Health Order Declaration by Mayor Staples {action item}

Reason not on agenda: The issue came up after the agenda was prepared.

Reason for action: To follow Governor Little's proactive emergency declaration

RESOLUTION 2020-3-24

**BY THE BONNERS FERRY CITY COUNCIL:**

**A RESOLUTION RATIFYING A DECLARATION OF LOCAL DISASTER EMERGENCY; AUTHORIZING THE CONTINUANCE OF THE LOCAL DISASTER EMERGENCY DECLARATION AND ITS TERMS FOR A PERIOD OF SIXTY (60) DAYS; AUTHORIZING THE IMMEDIATE EXPENDITURE OF PUBLIC MONEY TO SAFEGUARD LIFE, HEALTH AND PROPERTY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, novel coronavirus (COVID-19) has caused an unprecedented pandemic threatening the life, health, and property of the City of Bonners Ferry and its citizens; and

**WHEREAS**, a local disaster emergency, as defined in Section 46-1002, Idaho Code, is in existence in the City of Bonners Ferry due to the imminent threat to life and property; and

**WHEREAS**, pursuant to the authority granted the Mayor of the City of Bonners Ferry in Section 46-1011, Idaho Code, James R. Staples, the Mayor of the City of Bonners Ferry, on March 20, 2020, declared a local disaster emergency and authorized the furnishing of aid and assistance thereunder; and

**WHEREAS**, Section 46-1011, Idaho Code, requires the consent of the Bonners Ferry City Council for such local disaster emergency declaration to continue for a period in excess of seven (7) days; and

**WHEREAS**, it is deemed necessary by the Council of the City of Bonners Ferry to extend such local disaster emergency declaration for a period of sixty days to provide for the ongoing cleanup and threat to property; and

**WHEREAS**, Section 67-2808, Idaho Code, authorizes the Council of the City of Bonners Ferry to declare an emergency authorizing the immediate expenditure of public money to safeguard life, health or property; and

**WHEREAS**, the Council of the City of Bonners Ferry deems it necessary for the health and safety of the citizens of the City of Bonners Ferry to continue the authorization for the immediate expenditure of public money to safeguard life, health and property.

**NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF BONNERS FERRY, IDAHO:**

**Section 1.** That the Declaration of Local Disaster Emergency, issued by the Mayor of the City of Bonners Ferry on March 20, 2020, and recorded with the Boundary County Recorder is hereby ratified as to both form and content and that such Declaration shall remain in effect for a period of sixty days.

**Section 2.** That the immediate expenditure of public money to safeguard the life, health and property of the City of Bonners Ferry is hereby authorized.

**Section 3.** That a copy of this resolution shall be promptly filed with the Boundary County Recorder.

**Section 4.** That this Resolution shall be in full force and effect immediately upon its adoption and approval.

**ADOPTED** by the Council of the City of Bonners Ferry, Idaho, this 24th day of March, 2020.

**APPROVED** by the Mayor of the City of Bonners Ferry, Idaho, this 24th day of March, 2020.

**ATTEST:**

**APPROVED:**

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**CHRISTINE MCNAIR  
CITY CLERK**

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**JAMES R. STAPLES  
MAYOR**

## **MAYORAL DECLARATION OF LOCAL DISASTER EMERGENCY**

**WHEREAS**, the health and safety of all citizens of the City of Bonners Ferry is of the utmost importance; and

**WHEREAS**, novel coronavirus (COVID-19) has been identified as a respiratory disease which can result in serious illness or death. The threat of COVID-19 is imminent to the State of Idaho and the City of Bonners Ferry; and

**WHEREAS**, Idaho Code § 46-1011 allows the Mayor of a city to declare a local disaster emergency; and

**WHEREAS**, Idaho Code § 46-1002(2) defines “disaster” as the “imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or manmade cause, including but not limited to fire, flood, earthquake, windstorm, wave action, volcanic activity, explosion, riot, or hostile military or paramilitary action and including acts of terrorism;” and

**WHEREAS**, Idaho Code § 46-1002(3) provides that an “emergency” includes the imminent threat of a “disaster” or condition threatening life or property which requires state emergency assistance to supplement local efforts to protect property or avert or lessen the threat of “disaster;” and

**WHEREAS**, a Local Disaster Emergency, as defined in Idaho Code §§ 46-1002(2) and (3) exists in the City of Bonners Ferry due to the imminent threat to life and health by the international outbreak of COVID-19; and

**WHEREAS**, a declaration activates the response and recovery aspects of applicable local or intergovernmental disaster emergency plans for the furnishing of aid and assistance; and

**WHEREAS**, Idaho Code § 67-2808 authorizes the Council of the City Bonners Ferry to declare an emergency and that the public interest and necessity demand the immediate expenditure of public money without compliance with formal bidding procedures; and

**WHEREAS**, an emergency declaration must be filed with the county recorder’s office and “given prompt and general publicity.”

**NOW THEREFORE**, I, James R. Staples, the Mayor of the City of Bonners Ferry, Idaho, by virtue of the authority vested in me by Idaho Code § 46-1011 do hereby find and therefore proclaim and declare:

That a Local Disaster Emergency exists and that all efforts will be made to protect the citizens and property of the City of Bonners Ferry through activation of all local disaster

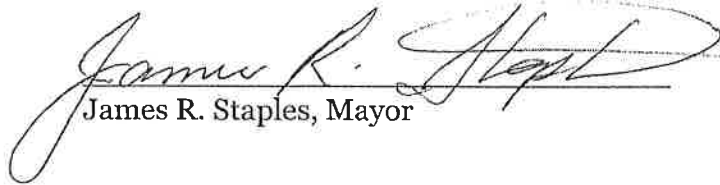
emergency plans and state emergency assistance; and

That this Local Disaster Emergency shall expire within seven (7) days unless the City Council expressly authorizes the continuance of such Declaration; and

That this Declaration of Local Disaster Emergency (Declaration) shall be promptly filed with the Boundary County Recorder's Office; and

That prompt and general publicity shall be given by a press release notifying the public of this Declaration.

APPROVED AND ADOPTED this 20th day of March, 2020.

  
James R. Staples, Mayor

ATTEST:

  
Christine McNair, City Clerk

ORDINANCE NO. 591

AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF BONNERS FERRY, BOUNDARY COUNTY, IDAHO, ADDING A NEW CHAPTER TO TITLE 4, CHAPTER SIX, OF BONNERS FERRY CITY CODE ENTITLED EMERGENCY POWERS; SETTING FORTH THE AUTHORITY, PURPOSE AND INTENT; DEFINITIONS; DESCRIBING PUBLIC HEALTH EMERGENCY ORDERS; PROCESS FOR ENACTING PUBLIC HEALTH EMERGENCY ORDERS; PROVIDING FOR EXCLUSIONS; PROVIDING FOR SUSPENSION OF SERVICES; FORCE MAJEURE CLAUSE; PROVIDING THAT VIOLATIONS OF PUBLIC HEALTH EMERGENCY ORDERS ARE A MISDEMEANOR PUNISHABLE BY A FINE OF \$1,000.00 OR BY IMPRISONMENT FOR UP TO 6 MONTHS OR BY BOTH A FINE AND IMPRISONMENT; PROVIDING FOR A WAIVER OF THE READING RULES; AND PROVIDING AN EFFECTIVE DATE UPON PROCLAMATION BY THE MAYOR POSTED IN FIVE PUBLIC PLACES OF THE CITY.

WHEREAS, on March 11, 2020, the World Health Organization declared the worldwide outbreak of COVID-19 (aka coronavirus) a pandemic; and

WHEREAS, on March 13, 2020, the President of the United States issued an emergency declaration for the country in response to the increasing number of COVID-19 cases within the U.S.; and

WHEREAS, on March 13, 2020, Idaho Governor Brad Little signed a declaration of emergency for the State of Idaho in response to concerns that cases of COVID-19 are imminent in Idaho; and

WHEREAS, under Idaho Code section 50-304, the Mayor is authorized to pass all ordinances and make all regulations necessary to preserve the public health, prevent the introduction of contagious diseases into the city, and to make quarantine laws for that purpose and enforce the same within the city limits, any health or quarantine ordinance and regulation thereof; and

WHEREAS, under Idaho Code section 50-606, the Mayor will have such jurisdiction as may be vested in him by ordinance over all places within the corporate limits of the city, for the enforcement of any health or quarantine ordinance and regulation thereof; and

WHEREAS, in order to effectively preserve the health and safety of the public, the Mayor is granted the emergency powers contained within this ordinance; NOW, THEREFORE,

BE IT ORDAINED, by the Mayor and City Council of the city of Bonners Ferry:

**SECTION 1.** That Chapter 6, entitled Emergency Powers, is added to Title Four of Bonners Ferry City Code as follows:

## EMERGENCY POWERS

### 4-6-1: LEGAL AUTHORITY:

Idaho Code sections 50-304 and 50-606 authorize the City of Bonners Ferry to pass ordinances granting certain powers to the Mayor related to public health emergencies.

### 4-6-2: PURPOSE AND INTENT:

The City finds that the preservation of public health, safety, and welfare may require immediate action by the City in response to emergency situations. Therefore, the City hereby authorizes the Mayor certain powers for immediate response to foreseeable, imminent, or present public health emergencies.

### 4-6-3: SCOPE:

This chapter sets forth the procedures for activating the emergency powers of the Mayor and the specific powers of the Mayor during a public health emergency.

### 4-6-4: DEFINITIONS:

For the purposes of this Chapter, the following terms, phrases, words, and derivations will have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number and words in the singular number include the plural number. The words "shall", "will", or "must" are always mandatory and not merely directory. Words used throughout this Chapter, but not defined herein will have their plain, ordinary, and common meaning. Words in any gender apply to the feminine, masculine, and nonbinary genders.

A. **PUBLIC HEALTH EMERGENCY:** The foreseeable, imminent, or present threat of any pathogen, agent, vector, or environmental condition, including hazardous materials, which does or may cause illness or injury to humans.

B. **PUBLIC HEALTH EMERGENCY ORDER:** An advisory, social distancing, isolation, or quarantine order enacted by the Mayor.

C. **ISOLATION:** The separation of infected persons, or of persons suspected to be infected, from other persons to such places, under such conditions, and for such time as will prevent transmission of the infectious agent.

D. **QUARANTINE:** The restriction placed on the entrance to and exit from the place or premises where an infectious agent or hazardous material exists.



E. **SOCIAL DISTANCING:** Actions taken to maintain distance from other people, including avoiding or canceling congregate settings and mass gatherings such as by ordering the closure of bars, restaurants and other places of public accommodation.

#### **4-6-5: PUBLIC HEALTH EMERGENCY ORDERS:**

The Mayor, as authorized by this ordinance and Idaho Code sections 50-304 and 50-606, may issue the following orders, as deemed appropriate by the Mayor following consultation with or review of information issued by local, regional, statewide, or nationwide public health authorities.

A. **Advisory Order.** Where a public health emergency is foreseeable or imminent, the Mayor may enact an advisory order, which order may provide information and recommended guidelines for preventing, detecting, and/or mitigating the onset or spread of a public health hazard.

B. **Social Distancing Order.** Where a public health emergency is imminent, the Mayor may enact a social distancing order, which order may establish any or all of the following:

1. Appropriate restrictions regarding the operation or occurrence of planned or foreseeable commercial, recreational, or expressive gatherings or events.
2. Restrictions on travel through or visitation within the community.
3. Postponement or cancellation of public meetings and hearings.
4. A limit on the number of persons who may gather in one location and may apply to indoor or outdoor venues.
5. Measures to be taken in order to prevent, avoid, detect, address, or mitigate a foreseeable, imminent, or present public health hazard.
6. A social distancing order must include an effective date and an anticipated expiration date, which may be extended in the same manner as the imposition of the initial order.

C. **Isolation Order.** Where a public health emergency is present, and poses a clear threat of harm to the public health, the Mayor may enact an isolation order, which order may establish any or all of the following:

1. A directive that infected and/or exposed individuals isolate themselves from other persons.
2. Geographical areas of restricted or prohibited access.
3. Other measures necessary to avoid, address, or mitigate an imminent public health hazard.

4. The scope and manner of delivery of services, materials, or supplies to be provided by the City, if any.
5. Measures to be taken in order to prevent, avoid, detect, address, or mitigate a foreseeable, imminent, or present public health hazard.
6. Conditions of the isolation order.
7. An isolation order must include an effective date and an anticipated expiration date, which may be extended in the same manner as the imposition of the initial order. An isolation order will be effective only when and for so long as the public health emergency is present or for so long as the subject(s) of the isolation order pose a threat to public health. Any person who is the subject of an isolation order is entitled to appeal the isolation order or to request a modification of any provision of such order by filing a written appeal with the City Clerk. Such appeal will be heard by City Council at their next meeting, or, if no meeting is scheduled during the term of the isolation order, the Police Chief or designee will review such appeal and issue a written decision. The Police Chief's decision will be final.

D. Quarantine Order. Where a health emergency is present and poses a clear threat of harm to the public health, the Mayor may enact a quarantine order, which order may establish any or all of the following:

1. A directive that infected and/or exposed individuals isolate themselves from other persons.
2. Geographical or other areas of restricted or prohibited access.
3. Other measures necessary to avoid, address, or mitigate an imminent public health hazard.
4. The scope and manner of delivery of services, materials, or supplies to be provided by the City, if any.
5. Measures to be taken in order to prevent, avoid, detect, address, or mitigate a foreseeable, imminent, or present public health hazard.
6. Conditions of the quarantine.
7. A quarantine order must include an effective date and an anticipated expiration date, which may be extended in the same manner as the imposition of the initial order. A quarantine order will be effective only when and for so long as the public health emergency is present or for so long as the subject(s) of the quarantine order pose a threat to public health. Any person who is the subject of a quarantine order is entitled to appeal the quarantine order, or to request a modification of any provision of such order by filing a written appeal with the City Clerk. Such appeal will be heard by City Council at their next meeting, or, if no meeting is

scheduled during the term of the quarantine order, the Police Chief or designee will review such appeal and issue a written decision. The Police Chief's decision will be final.

#### **4-6-5: PROCESS FOR ENACTING PUBLIC HEALTH EMERGENCY ORDERS:**

A. Issuance of an Order. The Mayor will prepare a written order and publish it pursuant to this section.

B. Notice to the City Council. Following the issuance of any order authorized by this chapter, the Mayor will advise the City Council at a properly noticed public meeting of the issuance of the order and the basis for its issuance as soon as is reasonably practicable but no later than seven (7) days after the date that the order is issued.

C. Council Veto. The City Council may reverse or alter the order issued by the Mayor by a majority vote of the full City Council.

D. Publication of Public Health Emergency Order. As soon as possible and prudent under the circumstances, the Mayor will cause a Public Health Emergency Order to be published as follows:

1. Posting the order in a prominent place at the Bonners Ferry City Hall;
2. Posting the order on the City's website;
3. E-mailing the order to all persons subscribed to City e-mail notification services;
4. Posting the order to all City social media accounts;
5. Providing the order to local media outlets; and
6. Notifying other government agencies, including Boundary County School District, Boundary County, and Panhandle Health District.

Except as may be specifically stated in the Public Health Emergency Order, such order will be effective upon posting at the Bonners Ferry City Hall.

#### **4-6-6: EXCLUSIONS:**

Unless otherwise specifically prohibited by a Public Health Emergency Order duly enacted by the Mayor, the following activities are exempt from the scope of such order:

1. Any and all expressive and associative activity that is protected by the United States and Idaho Constitutions, including speech, press, assembly, and/or religious activity.
2. Activities necessary to operate critical infrastructure and utilities.

3. Activities necessary to operate and use medical facilities and services.
4. Activities necessary to buy, sell, or otherwise deliver food and necessities.

**4-6-7: SUSPENSION AND WAIVER OF CERTAIN CITY SERVICES, ORDINANCES, AND POLICIES AND PROCEDURES:**

During a Public Health Emergency and upon issuance of a Public Health Emergency Order, the Mayor may suspend certain non-critical City government services and functions as deemed necessary and advisable given the specific public health emergency and in consideration of the health of employees and the general public. During such time, the Mayor may also suspend the regular meetings of City boards and commissions, including but not limited to Planning & Zoning and the Parks and Recreation Commission. In order to facilitate such suspension of meetings, the ordinances providing for the regular meetings of these commissions will be temporarily suspended. Those ordinances providing the timeline for processing applications will also be suspended. The Mayor is also authorized to waive such internal rules, regulations, and procedures as deemed necessary to protect the health and welfare of City employees. The Mayor may authorize the City Administrator to act on his/her behalf and exercise the authority granted to the Mayor under this section.

**4-6-8: FORCE MAJEURE:**

In the context of this chapter, a public health emergency is a force majeure. No person is entitled to recover from the City of Bonners Ferry any costs incurred, or profits lost, as may be alleged to be attributed to the enactment of a Public Health Emergency Order.

**4-6-9: PENALTY:**

It is unlawful to violate any provision or directive of a duly enacted social distancing order, isolation order, or quarantine order while such order is in effect. The violation of any provision or directive of a social distancing order, isolation order, or quarantine order is a misdemeanor punishable as provided in Bonners Ferry City Code.

**SECTION 2.** All provisions of the current Bonners Ferry City Code or ordinances of the City of Bonners Ferry and parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

**SECTION 3.** Neither the adoption of this ordinance nor the repeal of any ordinance will, in any manner, affect the prosecution for violation of such ordinance committed prior to the effective date of this ordinance or be construed as a waiver of any license or penalty due under any such ordinance or in any manner affect the validity of any action heretofore taken by the City of Bonners Ferry City Council or the validity of any such action to be taken upon matters pending before the City Council on the effective date of this ordinance.

**SECTION 4.** The provisions of this ordinance are severable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, or unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality or inapplicability will not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this ordinance would have been adopted if such illegal, invalid or unconstitutional provision, clause sentence, subsection, word, or part had not been included therein, and if such person or circumstance to which the ordinance or part thereof is held inapplicable had been specifically exempt therefrom.

**SECTION 5.** That this ordinance, consistent with Idaho Code section 50-901, will be effective immediately upon its passage and proclamation of the Mayor with publication via posted notice in at least five (5) public places of the City.

*Passed under suspension of rules upon which a roll call vote was duly taken and duly enacted an Ordinance of the City of Bonners Ferry at special meeting of the City Council on March 24, 2020.*

APPROVED, ADOPTED and SIGNED this 24th day of March, 2020.

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James R. Staples, Mayor

ATTEST:

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Christine McNair, City Clerk

PUBLIC HEALTH EMERGENCY ORDER

No. 1

RESTAURANTS AND BARS

March 24, 2020

WHEREAS, on March 11, 2020, the World Health Organization declared the worldwide outbreak of COVID-19 (coronavirus) a pandemic, and on March 13, 2020, the President of the United States issued an emergency declaration for the country in response to the increasing number of COVID-19 cases within the U.S.; and

WHEREAS, on March 13, 2020, Idaho Governor Brad Little signed a declaration of emergency for the State of Idaho in response to concerns that cases of COVID-19 are imminent in Idaho; and

WHEREAS, on March 20, 2020, the Mayor of the City of Bonners Ferry, James R. Staples, declared a local disaster emergency, as per the Disaster Preparedness Act (Title 46, Chapter 10 of the Idaho Code), in the City of Bonners Ferry due to the threat that COVID-19 poses to the health and welfare of the residents of Bonners Ferry, and on March 24, 2020, the Bonners Ferry City Council ratified and extended the Declaration of Emergency; and

WHEREAS, on March 24, 2020, the Council for the city of Bonners Ferry adopted a Resolution ratifying the emergency declaration of the Mayor and extending the emergency for a period of sixty (60) days; and

WHEREAS, the risk of community spread throughout the City of Bonners Ferry impacts the life and health of the public and public health is imperiled by the person-to-person spread of COVID-19, and the reduction of opportunities for the person-to-person transmission of COVID-19 is necessary to combat the spread of the disease.

WHEREAS, both the Department of Health and Human Services Centers for Disease Control and Prevention ("CDC") and the White House have recommended practices to prevent the rapid spread of COVID-19, including social distancing; and

WHEREAS, on March 18, 2020, Governor Brad Little adopted these recommendations in Idaho. The recommendations include that individuals practice social distancing by not gathering in groups of more than ten (10) people and that they avoid eating at bars, restaurants and food courts. The recommendations further include that individuals use drive-up, take-out and delivery options for meals; and

WHEREAS, there are currently forty-seven (47) cases of COVID-19 within Idaho; and

WHEREAS, on March 24, 2020 the Bonners Ferry City Council adopted an ordinance granting the Bonners Ferry Mayor the authority to issue Public Health Emergency Orders,

including the authority to require bars and restaurants to close or otherwise alter their operations.

NOW, THEREFORE, I, James R. Staples, Mayor of the City of Bonners Ferry, Idaho, by virtue of the authority vested in me by Bonners Ferry City Code Title 4, Chapter 6, and the common law authority to protect the public in the event of an emergency hereby order as follows:

Section 1. Bars.

All bars, taverns, nightclubs, private liquor clubs, taprooms, tasting rooms, mobile bars, cabarets and saloons, as well as all other alcohol licensed premises for by the glass sales of alcoholic beverages as defined by IDAPA 11.05.01, or I.C. § 39-5502, 23-942, or 23-902, within the city limits of the City of Bonners Ferry shall close to members, guests, patrons, customers, and the general public.

Section 2. Restaurants.

All restaurants and dine-in food service within the city limits of the City of Bonners Ferry, as defined by I.C. 23-942 or I.C. 39-5502, whether inside or outside the establishment, is prohibited. Restaurants and dine-in service means any eating establishment including, but not limited to, coffee shops, cafes, private dining clubs, and cafeterias that give or offer for sale food to the public, guests or employees. Restaurants may not admit members, guests, patrons or customers inside the establishment except to pick up food for take-out.

Curbside take-out and drive-through food service (in addition to pickup service as noted above) is permitted.

Where possible online (e.g., Venmo, Google Pay, ApplePay) and telephonic credit card transactions are strongly encouraged. Cash payments are strongly discouraged.

Delivery food service is permitted. Where possible on-line and telephonic credit card transactions are strongly encouraged, cash payments are strongly discouraged.

Employees who handle cash or credit cards shall use cleansing methods between each transaction. All employees are strongly encouraged to wear protective items when preparing, delivering, or completing transactions.

Section 3. Exemptions.

This order shall not apply to emergency overnight or day shelters that provide food service to persons experiencing homelessness, grocery stores, and gas stations.

Section 4. Penalty.

In accordance with Bonners Ferry City Code, any person who knowingly violates the provisions of this order shall be guilty of a misdemeanor.

Section 5. Duration.

This Emergency Order shall take effect at 5:00 pm on March 26, 2020 and shall remain in effect for fourteen (14) days unless extended, terminated or modified prior.

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James R. Staples, Mayor

## **Interim Employee Leave Policy Relating to the COVID-19 Pandemic**

The City of Bonners Ferry would like to address the areas of paid leave available to employees who need to be away from work during the COVID-19 pandemic. There have been some concerns with how an employee's PTO and/or sick bank time may be affected as we navigate COVID-19 in the coming weeks and months. For purposes of this policy, the city will make this policy available to all full time hourly and salaried employees' opportunities for paid leave for specific areas identified in this policy. Additionally, seasonal or part time employees will benefit from portions of this policy as well.

This policy shall remain available to employees from the date of adoption by City Council through **December 31**, 2020. City Council may, at their discretion, extend this policy to a future date. Council also may retract this policy, provided changes in the condition around the virus change as well.

Please know that we continue to examine the situation and assess how we can best support our employees we ask for patience and understanding. Should we need to make additional adjustments due to new information, legislation or state mandates, we will work to address those as soon as we can.

### **I. Employees who Exhibit Flu Like Symptoms:**

Employees who exhibit symptoms of influenza-like illness at work are recommended to seek medical attention and strongly advised to be tested for COVID-19. Additionally those employees, who exhibit symptoms of influenza-like illness during work, should leave the workplace and remain at home until they are symptom-free for at least 72 hours and/or provide medical clearance to the city. Further quarantining may be necessary and the employee, working with their Supervisor, shall determine the proper time frame for returning to work.

If an employee exhibits any of the following symptoms the city may recommend that the employee seek medical attention and strongly advise the employee to be tested for the COVID-19 (based on CDC website):

- Fever;
- Cough;
- Shortness of breath

### **II. Policy for use of Paid Time Off during COVID-19 Pandemic**

The following summarizes the varying degrees in which the COVID-19 virus will affect employees PTO and sick bank time.

#### **1. Employees who are diagnosed with COVID-19:**



**This section is offered to any employee who is subject to a COVID-19 quarantine or isolation order.** Any employee who is diagnosed with the COVID-19 and can demonstrate such diagnosis through proper medical testing is eligible for paid time off for a maximum 30 days to recover. The city will not require the employee to use their PTO or sick bank time as part of this policy.

Communication with the City shall occur via email or phone, as the employee is not encouraged to return to their place of work until compliance with the “returning to work” section of this policy.

### Returning to Work

Employees who have contracted COVID-19 should remain at home until they are symptom-free for at least 72 hours and provide medical clearance to the city.

## **2. Employees who are not diagnosed with COVID-19 but are not able to work.**

Employees who are not diagnosed with a confirmed case of COVID-19, but unable to work under the following scenarios are granted two weeks of paid time off, or ten (10) working days away from their positions and the city will not require the employee to use their PTO or sick bank time. In the event that the employee should need longer, the city will consider each employee on a case-by-case basis.

This policy applies to both full time hourly employees, salaried employees, part time and seasonal employees. Part time employees shall receive a prorated share of time off that is reflected of their typical scheduled hourly week:

- Employee who have symptoms of the flu, but waiting on results for COVID-19 testing;
- Employee who have symptoms of the flu, but are not positive for COVID-19;
- Employees who are responsible for care giving for someone who has COVID-19;
- Employees who have come in contact with someone who is confirmed COVID-19;
- **Employees who have been advised by a health care provider to self-quarantine due to COVID-19 concerns;**
- **An employee caring for a child whose school or place of care is closed or the child care provider of the child is unavailable, due to COVID-19 precautions.**
- Employees who are quarantined at the direction of the city, via a Supervisor, City Administrator or the Mayor.

### Additional Leave Requests

The employee is expected to communicate with their Supervisor and the City Clerk to confirm if they qualify for this leave. Any additional requested time off, outside of the two week period would need approval of the Supervisor, Clerk and/or Mayor. The employee is

expected to provide a rationale for the extended additional leave time, unless they propose to use their own PTO time and it has been approved by the Supervisor.

### Confirmed COVID-19 Diagnosis

If during the time frame the employee does contract the COVID-19 then the employee shall be eligible for section 1 of this policy.

### **3. Employees who are not diagnosed with COVID-19 but are not willing to work;**

Non essential employees who choose not work due to personal choice or non-COVID related illness may use their PTO and/or sick bank as they normally would. The city will waive the three-day rule for use of sick bank time to be used for this purpose of self quarantining.

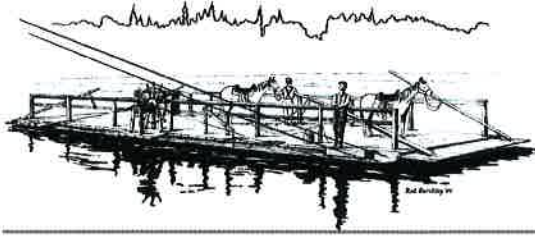
Designated **highly skilled and** essential employees- **per previous adopted policy by city council include** those who work in the electrical department, at the Moyie Dam and the water treatment facility. **These employees** will need to coordinate with their supervisor to be eligible for this section of the policy.

**Essential employees whose work includes maintaining safety of human life or the protection of property will also need to coordinate with their supervisor to ensure that public health and safety are maintained. These employees include, the Police Department and Fire Department.**

Absence Request Forms should still be sent to supervisors with the appropriate leave hours. Employees should indicate "Emergency Leave" in the comment space provided.

### **III. Emergency Family Leave**

- 1. The City will offer up to twelve (12) weeks of FMLA leave to employees, who have been city employees for a minimum of 30 days, who are unable to work or telecommute because they have to care for a minor child if the child's school or place of care has been closed, or if the child care provider of that child is unavailable due to a COVID-19 emergency.**
- 2. The first ten (10) days of this leave are unpaid. However, the employee may use any accrued PTO time or sick-bank time.**
- 3. After the first ten (10) days, the employee shall be eligible to receive up to two-thirds (2/3) of their normal pay.**
- 4. Paid leave is capped at \$200.00/day and \$10,000.00 aggregate pay.**



## CITY OF BONNERS FERRY

7232 Main Street  
P.O. Box 149  
Bonners Ferry, Idaho 83805  
Phone: 208-267-3105 Fax: 208-267-4375

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**TO:** Mayor and City Council  
**FROM:** Lisa Ailport, City Administrator *LMA*  
**DATE:** March ~~10~~, 2020  
**RE:** **D4G Caterpillar Dozer Purchase**

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Last fall the City auctioned off our John Deere dozer that has been used by the utility departments as well as the streets department for various city wide projects.

At the time, and prior to the auction, the city staff had been looking to replace this unit with an equivalent unit for a reasonable cost. To replace this unit with a new similar piece of equipment can range from \$80,000-\$120,000 based on type and set-up.

We have seen that a local business person is selling a 2004 D4G Dozer out of Sandpoint for \$44,000.00. The unit has about 2,900 hours. A review of similar prices across the northwest indicates the price is representative of the hours and age and gives its location makes the unit very appealing.

The owner has had some significant interest in the unit and staff sought to hold the item by giving 10% down and 30 days to gain a decision on the matter. If approved we would need to pay the balance by April 21<sup>st</sup>. If the city decides not to move forward with the purchase, the owner will remit back to the city 90% of the down payment.

Given the use of this equipment across all the utilities, including the streets department, it is my recommendation that we look to secure the unit at the list price of \$44,000.00.

**Fiscal Impact Statement:** Since the equipment would be used across all departments, but most heavily by the electric department, the following is my recommendation of an equitable split:

Electric	50%	\$22,000.00
Sewer	20%	\$8,800.00
Water	20%	\$8,800.00
Streets	10%	\$4,400.00

The streets department budgeted \$57,050.00 for snow plowing this year, and to date has only spent \$31,191.00. It is my recommendation that a portion of the snow plow budget be used to help support the general fund contribution.



**EXHIBIT A  
CENTURY WEST ENGINEERING  
SCOPE OF SERVICES**

**PROJECT UNDERSTANDING**

The City of Bonners Ferry acquired right-of-way to extend City infrastructure and provide an opportunity for future community network connectivity between Wilson Street and Solomon Road. Century West Engineering provided professional services for the design of roadway options and prepared the design of the water and sewer utilities. The City would like to Century West Engineering to perform construction management services for part-time observation, construction contract administration and construction contract closeout associated with the work that the City has awarded to a public works licensed contractor.

The scope of services for this amendment are intended to cover the following professional services:

**TASK 8: CONSTRUCTION MANAGEMENT SERVICES**

**8100 Project Administration:**

Consultant shall maintain project records, budgets, and communications related to the scope of work for the duration of the project and provide monthly updates and invoicing.

**8101 Preconstruction Conference:**

Consultant will attend and conduct the preconstruction conference. Discussions will include contract conditions, schedule, contractor and engineer assigned personnel, traffic control, submittal/change order/ pay estimate procedures and other related items.

**8102 Materials Submittal Review:**

Consultant will review construction material submittals provided by the Contractor for conformance with the Contract Documents. Consultant will respond to the Contractor regarding the acceptability of submittals and will provide resubmittal review if required.

**8103 Change Order Review/Negotiation/Recommendation:**

Consultant will review change order proposals submitted by the Contractor or prepare change orders requested by the City, as needed. Consultant will review scopes and costs of the change orders and negotiate costs and requests for time with the Contractor. If costs and time extensions are reasonable in Consultant's opinion, Consultant will recommend approval by the City.

**8104 Respond to Requests for Information (RFI):**

Consultant will receive and respond to Contractor's requests for information. The Consultant will review the Contract Documents and respond based on the conditions and requirements of those documents.

**8105 Review Traffic Control, Progress Schedule:**

Consultant will review traffic control plans and discuss those plans with City staff. If acceptable Consultant will approve the plans and will review signage and control measures placed on the site for conformance with the approved plans. The Consultant will notify the Contractor of any non-conforming traffic control.

**8106 Construction Observation:**

Consultant will have a qualified part-time construction observer on the site when construction activities are taking place. The construction observer will monitor the construction activities for compliance with the Contract Documents and Plans.



The construction observer will record construction activities on daily diaries, will notify the Project Manager of any issues that arise and will coordinate the construction activities with the Contractor, the City, and on-site utilities.

**8107 Construction Materials Testing:**

The Contractor will provide construction materials testing as identified in the construction documents; including laboratory and field compaction testing of soils, and aggregates. Consultant will not conduct field materials testing including compaction testing of soils, aggregate, and asphalt. Test results provided by the Contractor's independent subconsultant will be used to determine the acceptability of the construction methods and means used by the Contractor.

**8108 Weekly Construction Meetings:**

Consultant will attend and conduct weekly construction meetings with the Contractor and City staff to discuss construction progress, schedule and activities. Special concerns or issues will be reviewed. Consultant will keep meeting minutes.

**8109 Contract Administration:**

Consultant shall monitor the Contractor's documentation, including the agreement, required bonding, insurance, and other documentation required by the Contract Documents. Consultant will track contract time, issue concurrence of substantial and final completion and document liquidated damages as appropriate.

**8110 Contractor Monthly Pay Estimates:**

Consultant will record construction quantities observed. Consultant's records will be compared to the plans and Contractor records and develop partial payments on a monthly basis. After construction has been completed final quantities will be tabulated by Consultant and a final pay estimate will be prepared. The Consultant will recommend approval and payment to the City.

**8111 Completion Punchlist:**

Consultant will conduct a walk through with the Contractor and the City upon substantial completion to identify uncompleted or unacceptable work. The Consultant will develop a punchlist of items that the Contractor must complete before granting final completion.

**8112 Final Inspection:**

Consultant will schedule and conduct a final inspection with the Contractor and City staff to determine if all punchlist items have been adequately addressed. If the work is found incomplete the Consultant will issue a second punchlist. If the work is found to be complete and acceptable the Consultant will recommend final acceptance of the project by the City.

**8113 Final Contract Closeout**

- a. Consultant shall review Contractor's final contract closeout documents for compliance with Contract Documents.
- b. The Consultant will assist the City in final budget and cost reconciliation and provide a final quantity adjustment change order so that the final total payment to the Contractor matches the final adjusted Contract amount.

**8114 Field Record Drawings:**

Consultant will develop final field record drawings using the Contractor's field redlines, records kept by the construction observer and other information regarding surface and subsurface conditions discovered during construction. These drawings will be provided to the City in both hard copy and electronically in AUTOCADD format.

**FEES**

The fees for the Scope of Services above will be on a Time and Materials basis plus reimbursable expenses and hours at a



not-to-exceed amount of \$44,000. The fee for this work is based on a construction contract time of 60 calendar days and 60% time for construction observation. Engineering services provided beyond this time shall be considered Additional Services.

Compensation for any Additional Services shall be mutually agreed upon prior to performance of the Additional Services; the total amount for Additional Services is estimated to not exceed \$10,000. The estimate is for budgeting purposes only.



**AMENDMENT #2 AND AUTHORIZATION FOR  
ENGINEERING CONSULTING SERVICES**

By this Agreement, effective March 24, 2020, **City of Bonners Ferry** (Client) authorizes **Century West Engineering Corporation** (Engineer) to carry out and complete the Scope of Services in consideration of the mutual covenants set forth in this Amendment, the *PROFESSIONAL SERVICES AGREEMENT, EXECUTED APRIL 16, 2019*, and the following additional attachments:

Exhibit A: Wilson St to Solomon Rd – Construction Engineering Services Scope of Work

**Project:** City of Bonners Ferry – Wilson to Solomon Construction Engineering Services  
**Project No.:** 51009.002.02  
**Scope of Services:** See Exhibit A (attached)

**Opinion of Probable Cost:**


\$54,000 Construction Engineering Services (\$44,000 for Basic Services and \$10,000 reserved for additional services)

[T&M] Time & Materials not to exceed specified amount without prior authorization by Client

**City of Bonners Ferry**

By: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

**Century West Engineering Corporation**

By:   
Ryan J. Luttmann, P.E.  
Title: Senior Project Manager  
Date: 3/20/20